

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2135

Introduced by Assembly Member De La Torre

February 18, 2010

~~An act to amend Section 1090 of the Government Code, relating to public officers and employees. An act to add Article 1 (commencing with Section 1250) to Chapter 2 of Part 4 of Division 2 of the Labor Code, relating to employment.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2135, as amended, De La Torre. ~~Public officers or employees: conflicts of interest.~~ *Home delivery employees: registration.*

Under existing law, the Labor Commissioner is the chief of the Division of Labor Standards Enforcement and is charged with the responsibility of enforcing the state's labor laws not specifically vested in any other officer, board, or commission.

This bill would require an entity that employs or uses a person or persons for purposes of home deliveries to register with the Labor Commissioner and would require the Labor Commissioner to conduct an investigation, including a criminal background check by the Department of Justice, of all persons identified by the applicant for registration as persons who would be engaged in home deliveries, and to be satisfied that such persons do not pose a criminal risk in connection with home deliveries and that the employer has not previously violated these provisions before registering or renewing the registration of an entity. The bill would require the Labor Commissioner to adopt regulations to implement these registration requirements,

including the determination of fees that applicants for registration must pay to defray the costs of administering the registration program.

~~Existing law prohibits Members of the Legislature and state, county, district, judicial district, and city officers or employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. That law also prohibits state, county, district, judicial district, and city officers and employees from being purchasers at any sale, or vendors at any purchase, made by them in their official capacity. A violation of either of these prohibitions is a crime.~~

~~This bill would make a technical, nonsubstantive change to that law.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 1 (commencing with Section 1250) is
2 added to Chapter 2 of Part 4 of Division 2 of the Labor Code, to
3 read:

4
5 Article 1. Home Delivery Employees
6

7 1250. (a) Any individual, association, corporation, or other
8 entity that employs or uses, either directly or indirectly through
9 third persons, a person or persons for purposes of home deliveries
10 shall register annually with the Labor Commissioner pursuant to
11 this section.

12 (b) The Labor Commissioner shall not register or renew the
13 registration of an applicant for registration unless the Labor
14 Commissioner, following an investigation thereof, including a
15 criminal background check by the California Department of Justice
16 of all persons identified by the applicant as persons who would
17 be engaged in home deliveries, is satisfied that such persons do
18 not pose a criminal risk in connection with home deliveries and
19 the employer has not previously violated this article.

20 (c) (1) The Labor Commissioner shall adopt regulations to
21 implement the registration requirements of this article.

22 (2) Each application for initial registration shall be
23 accompanied by a fee determined by the Labor Commissioner by

1 *regulation in an amount sufficient in the aggregate to defray the*
2 *division's costs of administering the registration program.*

3 ~~SECTION 1. Section 1090 of the Government Code is amended~~
4 ~~to read:~~

5 ~~1090. Members of the Legislature, state, county, district,~~
6 ~~judicial district, and city officers or employees shall not be~~
7 ~~financially interested in any contract made by them in their official~~
8 ~~capacity, or by any body or board of which they are members. Nor~~
9 ~~shall state, county, district, judicial district, and city officers or~~
10 ~~employees be purchasers at any sale, or vendors at any purchase,~~
11 ~~made by them in their official capacity.~~

12 ~~As used in this article, "district" means any agency of the state~~
13 ~~formed pursuant to general law or special act, for the local~~
14 ~~performance of governmental or proprietary functions within~~
15 ~~limited boundaries.~~